



# Town of Southern Shores

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Town of Southern Shores

Council Meeting

April 7, 2009

7:00 p.m.-Pitts Center

The Southern Shores Town Council met on April 7, 2009 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Kevin Stroud and Jim Pfizenmayer.

Mayor Smith announced the Town Manager is away at the School of Government.

Also present were: Carrie Gordin, Town Clerk and Ben Gallop, Town Attorney.

Mayor Smith called the meeting to order at 7:00 p.m. led the Pledge of Allegiance and held a moment of silence for the Schorzman family and for our troops serving around the world.

## **APPROVAL OF AGENDA**

Council Member McDonald moved to amend the agenda to place a closed session at the end of the regular business. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

## **PUBLIC COMMENT**

No public comment at this time.

**APPROVAL OF MINUTES**- February 13, 2009 Special Meeting, February 17, 2009 Emergency Meeting, February 18, 2009 Emergency Meeting, February 20, 2009 Retreat, February 24, 2009, March 3, 2009 and March 23, 2009 Special Meeting.

Council Member Hess moved to approve all the minutes as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

## **CONSENT AGENDA**

FY 2008-09 Budget Amendment #3-30<sup>th</sup> Anniversary  
FY 2008-09 Budget Amendment #4-Legal Services  
FY 2008-09 Budget Amendment #5-Hickory Trail Road Improvement Project  
FY 2008-09 Budget Amendment #6-Recycling Pickup  
FY 2008-09 Budget Amendment #7-Contracted Services, Salaries, FICA and Retirement  
Tax Pickups and Releases

Council Member McDonald moved to approve the Consent Agenda as presented. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

[Clerk's Note: Copies of the items in the Consent Agenda are hereby attached as Exhibits A-F].

## **REPORTS**

### Planning Board

Nancy Wendt, Chairman, presented the March 16, 2009 meeting recap with three attachments. She stated upon review of the Town's Zoning Ordinance regarding day care centers it is not clear on traffic parking for this type of business. The Planning Board would ask that the Town Attorney review and provide some recommendations. The Planning Board approved the conditional use application for the Pledger Palace Child Day Care Center and recommends Council set a Conditional Use Hearing at their May 5<sup>th</sup> meeting.

Chairman Wendt requested Council set aside some time before the hearing is opened on May 5<sup>th</sup> to allow Patricia Pledger, applicant to address Council.

Council consensus is to set the Pledger Palace Child Day Care Center Conditional Use Hearing at their May 5<sup>th</sup> meeting.

[Clerk's Note: A copy of the March 16, 2009 Planning Board recap is hereby attached as Exhibit G].

[Clerk's Note: A copy of the March 16, 2009 Planning Advisory Group Meeting (PAG) is hereby attached as Exhibit H].

### Southern Shores Volunteer Fire Department

Chief Harvey presented the monthly report.

### Police Department

Chief Kole presented the monthly report.

### Southern Shores Civic Association (SSCA)

Dan Shields, chairman, stated the SSCA is looking forward to the season and asked everyone to look at their new website sscaobx.org. The newsletter will be out in the next week. The Triangle Park is completed and looks great thanks to Jim Pfizenmayer, chairman of the Beautification committee.

### Chicahauk Property Owners Association (CPOA)

Marianna Landrum, representative, stated CPOA is pleased with the road work the Town is working on and that Potestkeet Trail needs to be on the list. Someone from the Town needs to contact Robin Morgan on some landscaping issues around Chicahauk Trail Town parking lot.

### Canal Dredging Project Update

The Town Attorney reported John Leidy, attorney, is reviewing the Town's Division of Coastal Management draft permit but there appears to be no road bumps in the this. He stated the next hurdle is for the Town to acquire a spoil site and discussion is on-going on two possible separate sites.

**CONDITIONAL USE HEARING**-Sandy Ridge Shopping Center Application (LDA #090120)-Pizza Restaurant for a tenant upfit of Unit 5.

Ben Gallop, Town Attorney, explained the process for a conditional hearing is a quasi-judicial procedure and anyone wishing to speak is required to be sworn in.

The Town Clerk swore in Alvin Rountree and Daniel Beck, applicant.

The Town attorney opened the hearing.

Alvin Rountree, Code Enforcement Administrator, stated the application is in compliance and acceptable to the Town's CAMA Land Use Plan and upon the Planning Board's review (February 17, 2009) they have recommended the application be approved.

Mr. Beck stated they are asking for approval of a twelve-seat eat-in/ takeout/delivery pizza restaurant.

Hearing no other comments Mr. Gallop closed the hearing.

Council had no questions. Council Member Hess moved to approve the application as submitted that the use, as proposed will conform to the town's land use plan and will be compatible with the area in which it is to be located if developed in accordance with the conditions specified in the ordinance and additionally required by the town council as authorized by the ordinance. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

[Clerk's Note: A copy of the Council Executive Summary is hereby attached as Exhibit I].

**OLD BUSINESS**

Government Access Channel Budget (GAC)

Council Member Hess as a member on the committee reported there are eight participants (six municipalities, Dare County and the School Board) and each participant pays \$1,000 and as a change to the new budget there is a part-time employee added.

Council Member Hess moved to approve the submitted GAC FY2008-09 budget amendment and FY2009-2010 budget. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

[Clerk's Note: A copy of the GAC FY2008-09 Budget amendment and FY2009-2010 Budget is hereby attached as Exhibit J].

**NEW BUSINESS**

Interlocal Government Agreement-Town of Duck – Building Inspection Services

The Town Manager presented the agreement for Council's approval and stated certain circumstances warrant neighboring towns to provide services to each other. The Town currently has the same Interlocal Agreement with the Town of Kitty Hawk.

Council Member McDonald asked the Town Attorney if any concerns should be noted. Mr. Gallop stated upon a quick review it seems to be in order.

Council Member Hess moved to approve the presented Interlocal Government Agreement between the Town of Duck and the Town of Southern Shores for Building Inspection services. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

#### Site Work Projects

The Town Manager provided several upcoming site work projects as a reminder to Council:

- GET Solutions Proposal for Geotechnical Investigation and Engineering Services for South Dogwood Trail Bridge Replacement-\$7315.00
- Land Survey-Quible-Tall Pine/S. Dogwood Trail Bridge \$2,225.00
- Contech-Structural Bridge Design regarding bridge replacement project. Estimated costs for the structural engineering design fees for a bridge to be purchased from Contech-\$10,000.

Council consensus is for the Town Manager to move ahead on the projects as presented.

#### Planning Board Appointments

Planning Board chairman provided Council with information regarding the appointments. Mayor Smith read the proposed recommendations.

Council Member Hess commented she thought this was going to be discussed at the joint Planning Board/ Council meeting on June 1.

The recommendations are to appoint a new 2<sup>nd</sup> Alternate Member to complete the unexpired portion of the term vacated by Dave Peckens resignation. This Interim Term appointment will run from April 20, 2009 to June 30, 2011. At this time the Town has an application from Larry Lawhon received on September 3, 2008. He currently is serving as Chair of the Wireless Committee he also works with the Planning Advisory Group. Other recommendations are to re-appoint Sam Williams' for a full 3 year term to run from July 1, 2009 to June 30, 2012, re-appoint Bill Gleason's for a full 3 year term to run from July 1, 2009 to June 30, 2012 and to re-appoint Mike Florez for a full 3 year term to run from July 1, 2009 to June 30, 2012. Each confirmed their desire to be re-appointed.

Council Member Hess moved to appoint members as recommended. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

ETJ Re-appointment - Merrie Smith (Planning Board Administrative Assistant) has contacted Dare County on the re-appointment of Ed Overton to a "one time" 4-year term after which the ETJ term will revert back to 3 years. Mr. Overton has confirmed his desire to be re-appointed and his willingness to serve a "one time" 4 year term to adjust the cycle of the ETJ term so that no more than 3 of the 8 terms on the Southern Shores Planning expire in any given year.

#### Set date for Public Hearing-Town's 10-year Solid Waste Plan

Merrie Smith, Executive Assistant, explained the Town is required to update their Solid Waste Management Plan every ten years. One of the requirements is to have an advertised public hearing to discuss solid waste issues with the public. She stated our plan is part of the Dare County 2009-2019 Plan and must be submitted to the County before June 30, 2009. She requests Council set a public hearing for the May 5<sup>th</sup> Council meeting. She stated a copy of the draft plan will be provided to council prior to the meeting and the final plan will be presented for Council approval at their June 2<sup>nd</sup> meeting. Council consensus to set the public hearing for the May 5<sup>th</sup> Council Meeting

## **OTHER**

### **Town Manager**

The Town Manager gave an update on the Hickory Trail Road Improvement by saying the stumps are being removed and actual road work will begin soon.

### **Town Attorney-None**

### **Mayor**

Mayor Smith presented and read a proclamation supporting April as Child Abuse Prevention Month.

[Clerk's Note: A copy of Child Abuse Prevention Month Proclamation is hereby attached as Exhibit K].

### **Council**

Council Member Pfizenmayer reminded everyone of the Town's upcoming 30<sup>th</sup> Anniversary Celebration which includes Town Clean-up on Friday April 17 and dedication of Triangle Park, main celebration on Saturday April 18 and SSBC canals tours on Sunday, April 19 at Loblolly Marina. He encouraged everyone to attend.

## **PUBLIC COMMENT**

Mayor Smith opened the public comment.

Don Bierwerth, 249 Sea Oats Trail, addressed Council stating he is concerned about the parking ordinance as it applies to the Pitts Center and the occupancy posted for the use of the Center. He stated he has brought this to Council's attention before. He stated the occupancy has been changed but not followed the proper procedures. He provided Council with a packet of information on this subject. He feels the parking on the street during certain Council meetings in the Pitts Center is a dangerous situation and needs to be addressed.

Mayor Smith responded to Mr. Bierwerth that the Town has addressed these issues and that several Town attorneys have provided their opinions and there is nothing more that can be done.

Hearing no other comments Mayor Smith closed the public comment.

Council agreed due to no pending issues for the April 28 Council workshop that it be cancelled. The next Council meeting will be on May 5<sup>th</sup>.

Hearing no other regular business Mayor Smith moved to go into closed session pursuant to NCGS 143.318.11 (a) (3) (6) to consult with the attorney regarding the litigation between William Elwang and the Town and a personnel matter. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

Council Member McDonald moved to return to open session. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

Council Member Pfizenmayer moved to call for a special meeting to be held on April 14 at 7:00 p.m. in the Pitts Center to meet with the Southern Shores Civic Association Board Members to discuss a proposed site for canal dredging spoils. Council Member Hess seconded.

The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

Council Member McDonald moved to appoint Council Member Pfizenmayer to work with the Town Manager to negotiate in good faith with representatives of The Cove as a proposed spoil site. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

Hearing no other business Council Member McDonald moved to adjourn at 9:05 p.m. Council Member Stroud seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

ATTEST:



Respectfully submitted:

  
Carrie Gordin, Town Clerk

**Town of Southern Shores  
Budget Amendment Number #3**

[illegible]

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**Town of Southern Shores  
Budget Amendment Number # 4**

Explanation: To cover the cost of legal fees

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**Town of Southern Shores  
Budget Amendment Number # 5**

[illegible]

Explanation: To transfer money from career development to salary & benefits lines and to pay for actuarial study

Recommended By:

Charles B. Read, Jr Town Manager

Approved By:

Don Smith, Mayor

Date \_\_\_\_\_

**Town of Southern Shores  
Budget Amendment Number # 6**

[illegible]

Explanation: To cover the cost of Hickory Trail plus engineering fees

Recommended By:

Charles B. Read, Jr Town Manager

Approved By:

Don Smith, Mayor

Date \_\_\_\_\_

**Town of Southern Shores  
Budget Amendment Number # 7**

[illegible]

Explanation: To cover the cost of curbside recycling fuel surcharge and extra pickups

Recommended By:

Charles B. Read, Jr Town Manager

Approved By:

Don Smith, Mayor

Date \_\_\_\_\_

Exhibit F

**TOWN OF  
SOUTHERN  
SHORES  
TAX  
DEPARTMENT**

**3/24/2009**

| <b><u>PICKUPS</u></b>  |                   | <b><u>RELEASES</u></b> |                 |
|------------------------|-------------------|------------------------|-----------------|
| Oct. Vehicles          | \$17.75           | Oct. Vehicles          | \$53.92         |
| Nov. Vehicles          | \$29.70           | Nov. Vehicles          | \$12.15         |
| Dec. Vehicles          | \$47.72           | Dec. Vehicles          | \$61.87         |
| Jan. Vehicles          | \$17.63           | Jan. Vehicles          | \$46.62         |
| Oct. Real-<br>Utilites | \$7,127.63        |                        |                 |
| Nov. Real              | \$134.77          |                        |                 |
| <b><u>TOTAL</u></b>    | <b>\$7,375.20</b> |                        | <b>\$174.56</b> |

Exhibit G

**To: Southern Shores Town Council**

**Copies: Town Manager (Charlie Read)**

**Town Staff (Pat Forrester, Carrie Gordon, Alvin Rountree, Merrie Smith, Bonnie Swain)**

**Planning Board (Mike Florez, Bill Gleason, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)**

**From: Nancy Wendt, Planning Board Chair**

**Date: March 23, 2009**

**Re: Recap, Planning Board Meeting of March 16, 2009**

**Attach: LDA #090115 Pledger Palace**

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**RECOMMENDED ACTIONS FOR THE TOWN COUNCIL:**

**APPROVE LDA #090115 Pledger Palace** – This is a permit application to convert the former Outer Banks Appliance retail store into a Child Day Care Center for up to 100 children to be operated by a staff of 12. The proposed use is a permitted conditional use within the commercial zoning district of Southern Shores. The proposed use is fully consistent with the Town Ordinance, CAMA Land Use and LR Comprehensive Plans for

Southern Shores. The Planning Board and the Code Enforcement staff unanimously recommend approval of this permit application contingent upon the conditions stipulated below.

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## MEETING RECAP

- I. **CALL TO ORDER:** Chairperson Wendt called the meeting to order at 7:07pm. Planning Board Members Nancy Wendt, Jay Russell, Mike Florez, Bob Palombo and Sam Williams, alternate member Bill Gleason and ETJ Representative Ed Overton were present. Also in attendance were Executive Assistant Merrie Smith and Code Enforcement staff members Alvin Rountree and Pat Forrester.
- II. **APPROVAL OF AGENDA:** Chairperson Wendt requested permission to move the agenda item for committee and project reports to a separate Planning Advisory Group meeting to be held immediately following the Planning Board meeting. Bob Palombo motioned to approve the agenda as amended. Sam Williams seconded the motion. The motion passed unanimously.
- III. **APPROVAL OF MINUTES:**  
Ed Overton motioned to approve the Minutes from the February 17, 2009 Planning Board meeting. Mike Florez seconded the motion. The motion passed unanimously.
- IV. **PUBLIC COMMENT:**  
Don Glaser, 6021 Martin's Point Rd., spoke in opposition to LDA # 090115 a permit application for a Child Day Care Center at 6325 N. Croatan Highway. Mr. Glaser stated that during the hours when children who are enrolled at the center are being dropped off in the morning or picked up in the afternoon there will be too many vehicles for the service road to handle. Mr. Glaser believes this will block traffic creating a problem for residents of Martin's Point who have no other way into or out of their community. Mr. Glaser and two other residents of Martin's Point are members of the SSVFD Fire Department. Per Mr. Glaser, traffic congestion along the service road could make it very difficult for them to respond to fire calls.
- V. **PERMIT APPLICATIONS**

**LDA #090115 Pledger Palace** – This is a permit application to convert the former Outer Banks Appliance retail store into a Child Day Care Center for up to 100 children to be operated by a staff of 12. The proposed use is a permitted conditional use within the commercial zoning district of Southern Shores. The proposed use is fully consistent with the Town Ordinance, CAMA Land Use and LR Comprehensive Plans for Southern Shores. The Planning Board and the Code Enforcement staff unanimously recommend approval of this permit application contingent upon the conditions stipulated below.

## APPLICATION SUMMARY

### GENERAL BACKGROUND

Ms. Patricia Pledger (applicant) provided the Planning Board with a letter describing the operation of the proposed Child Day Care Center (see attached.) The Planning Board also received input from Chief Ward of Kitty Hawk Police Department regarding parking on the service road and from John Finelli, President of the Martin's Point HOA, regarding the concerns of Martin's Point residents (see attached.)

Ms. Pledger and Mr. Mike Robinson (engineer of record for the site plan) discussed the potential impacts of Pledger Palace on the adjacent community and planned actions to mitigate them with the Planning Board and the Code Enforcement staff. A summary of the key points from this discussion follows.

Ms. Pledger currently operates a Child Day Care Center for 50 children in Grandy, NC. This center was established in 1996 and has consistently been rated "superior" by the state of NC Department of Health and Human Services. The proposed Day Care Center in Southern Shores is intended to serve the needs of both the local community and seasonal visitors.

#### HOURS OF OPERATION

The planned hours of operation for Pledger Palace in Southern Shores are Monday through Saturday from 6:30am to midnight. Based on her market research for the proposed center, Ms. Pledger believes that the proposed hours of operation are required to serve both the needs of parents who work during the day and those who work evening shifts.

#### TRAFFIC VOLUME AND PARKING

Ms. Pledger observed that the number of children enrolled in a Day Care Center usually exceeds the number of vehicles coming and going every day. Based on her experience Ms. Pledger estimates that 25% to 30% of the families will have multiple children enrolled. In other words, for 50 children there will be approximately 37 vehicles in one day and for 100 children there will be approximately 70 vehicles.

In order to prevent traffic backups and/or parking issues Ms. Pledger will require families to select from pre-defined drop off and pick up "windows." Staff arrivals and departures will also be staggered. Ms. Pledger estimates that no more than 4 staff members will be on site and using parking places during peak drop off and pick up times.

Based on staggered schedules for parents and staff, Ms. Pledger estimates that on average 5 to 10 vehicles (but not more than 16 vehicles) will be coming or going per half hour during the hours set aside for drop offs (from 6:30am to 10:00am) and pick ups (from 3:00pm to midnight.)

By relocating the on site dumpster Ms. Pledger plans to increase the number of on site parking spaces to 16 to accommodate the estimated peak traffic flow at the center. The Planning Board asked Ms. Pledger to provide an alternate plan for managing potential traffic and parking issues plus written evidence that whatever arrangements are needed to implement the alternate plan are ready to go immediately if traffic blockages on the service road and/or overflow parking issues arise due to the regular operation of Pledger Palace.

Mid-day traffic, including delivery and service vehicles, is expected to have no effect on local traffic because few parents will be at the center during the middle of the day and the volume of other vehicles at the center will be minimal. Ms. Pledger plans to schedule service appointments and monthly supply deliveries outside of drop off and pick up times. Due to the limited number of deliveries needed to support the center and the revised site plan elimination of the curved driveway, no loading dock is planned for the Day Care Center. The elimination of the curved driveway will ensure adequate turning space for trash pickup vehicles on site.

#### OUTDOOR NOISE

Children at the center will be cared for inside the building most of the time. The NC state law requires 45 minutes of outdoor play time per day. This requirement will be met in shifts to ensure that there are never more than 50 children in the play area at one time. Outdoor play shifts will extend from 10:00am to noon in the morning all year and from 3:15pm to 5:30pm in the afternoon during the off season (October through May) and from 3:15pm to 7:30pm during the summer season (June through September). There will be no audible signals at the beginning and end of play shifts. Staff uses 2-way radios when moving children in and out of the play area. Consistent with NC regulations, all children at the center will be indoors from dusk (no later than 7:30pm) until closing.

In order to ensure that children using the play area do not create a nuisance for adjacent properties, Ms. Pledger plans to install a solid six foot high wood fence across the northern property line where Pledger Palace abuts the residential zone of Martin's Point. This fence will follow the contour of the land to maximize the buffering effect. In addition, Ms. Pledger will plant a vegetative buffer between the wood fence and the perimeter fence of the buffer zone that separates the Southern Shores commercial district and the Martin's Point residential district.

The only other activity that could create an elevated noise level is a Fire Drill. Ms. Pledger plans to schedule fire drills during daylight hours as much as possible. Some drills may be required during the late afternoon / early evening hours to ensure that all children on all shifts participate in the required drills.

#### LIGHTING AND SIGNAGE

With respect to outdoor lighting, the existing lighting fixtures (plus two more of the same design that will be installed along the rear of the building) fully comply with Southern Shores code requirements. These fixtures shield 70 degrees of light emission and they will limit illumination at the property line to no more than 1 candle power.

Signage for Pledger Palace will fully comply with Southern Shores code requirements. Ms. Pledger plans to change the lettering but not the physical structure of the sign that was used by Outer Banks Appliance.

#### STORMWATER, TRASH PICKUP AND NC DOT REVIEW

Stormwater will be managed using one stormwater retention basin in the front of the building. The re-routing of gutters and drains to this basin will be reflected in the final site plan. According to Mike Robinson, the maximum load from a 10 year 2 hour storm event can be handled with this one basin.

Elimination of the proposed curved driveway shown on the first site plan will allow for more on-site turnaround space for delivery and trash pickup vehicles. Per Mike Robinson, since the revised plan does not require any new curb cuts and since the prior use complied with NC DOT regulations, NC DOT review of this permit is no longer required.

#### **RECOMMENDATION FOR CONDITIONAL APPROVAL**

Bob Palombo motioned that the Planning Board recommend that the Town Council approve LDA#090217 with the following conditions to be met by the applicant prior to issuance of a building permit. Sam Williams seconded the motion. The motion passed unanimously.

## CONDITIONS OF APPROVAL

1. Ownership – The applicant needs to acquire the property in order to proceed with a building permit application following a decision by the Town Council. The applicant currently has a contract to purchase the property.
2. Dept of Human Services (Child Day Care License) – the applicant has obtained a preliminary license approval. Department of Human Services' approval is required prior to issuance of a building permit.
3. Dept of Health – the applicant has obtained preliminary permit approval contingent on recommended changes and upgrades to the waste water / septic system. Department of Health approval is required prior to issuance of a building permit.
4. Fire Inspector – the Fire inspector has reviewed the application. The site plan will be reviewed with the SSVFD during the building permit issuance process.
5. Dept of Transportation – the applicant needs to review the proposed use and potential traffic impacts with DOT.
6. Transportation and Transportation Systems – the applicant shall be responsible for ensuring that the operation of the proposed Child Day Care Center does not create any traffic and/or overflow parking issues. If any issues arise the applicant shall be responsible for mitigating them.
7. Hours of Operation – The hours of operation shall not exceed Monday through Saturday 6:30am to midnight.
8. Noise – In order to mitigate the impact of noise from Pledger Palace on adjacent properties, the applicant shall limit the use of outdoor play areas to the following shifts:
  - a. 10:00am to noon and 3:15pm to 5:30pm from October through May
  - b. 10:00am to noon and 3:15pm to 7:30pm from June through September
  - c. All children at the center shall be cared for indoors after 7:30pm
9. Landscaping – the applicant needs to provide a landscaping plan that reflects the changes and improvements to the vegetative buffers that were discussed including:
  - a. Install a 6' high wooden fence following the contour of the land along the northern property line that separates Pledger Palace from the Martin's Point residential district.
  - b. Plant a vegetative buffer to consist of a row of cedars between the wooden fence along the Pledger Palace property line and the fence along the buffer zone that separates Southern Shores' commercial district from Martin's Point residential district.
10. Security Lighting – the applicant needs to provide an exterior lighting plan that shows the placement and specifications of all exterior and security lighting fixtures. These fixtures shall shield 70 degrees light emissions and limit illumination at the property line to 1 candle power or less.
11. Stormwater – the applicant shall provide for on site stormwater retention to accommodate the maximum runoff expected during a 10 year 2 hour storm event. Updated site plans need to show the drainage of all runoff to the retention basin in the front of the property.



12. **Final Site Plan** – The applicant shall provide a final updated site plan package that includes all changes and revisions discussed on March 16 to accompany the Planning Board's recommendation to the Town Council.

## VI. OTHER BUSINESS – OLD

1. **LDA 090120 Davco Electric** – The Town Council scheduled a Public Hearing on April 7, 2009 for this permit application to reconfigure one unit in the Sandy Ridge Shopping Center from retail space to a 12 seat pizza restaurant.
2. **June 1, 2009** – The Town Council accepted the Planning Board's recommendation to hold a joint meeting on June 1, 2009 from 7pm to 9pm at the Pitts Center. Additional time will be scheduled if requested by the Council.
3. **Proposed ZTA to Change Height Calculation Method** – the proposed zoning text amendment is deferred indefinitely pending the availability of Code Enforcement staff to prepare a draft ordinance for Planning Board review.

## VII. OTHER BUSINESS – NEW

None

## VIII. PAG COMMITTEES AND PROJECTS

See Meeting Recap from PAG Meeting held March 16, 2009.

## IX. Other Items:

### 1. Administrative Items

Planning Board Notebooks – Merrie Smith recommended that the planning board note books be handed back to each member to keep as their reference guide. Merrie will email agenda, with attachments prior to each meeting. Paper copies of all letter sized documents will be provided only if requested. The only item that will need to be picked up prior to a meeting will be site plans.

Planning Board Rules of Procedure – Beginning in April the Planning Board will meet twice a month on the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of the month from 7pm to 9pm at Pitts Center.

- On the 1<sup>st</sup> Monday of the month the Planning Board will focus on Planning Advisory Group (PAG) projects and committees and the public workshops associated with them.
- On the 3<sup>rd</sup> Monday of the month the Planning Board will limit its agenda to the review of proposed zoning ordinances and permit applications for all land uses other than one or two family dwelling units.

These changes are intended to:

- Make it easier for interested parties in the community to choose which Planning Board meetings they participate in based on the agenda items.

- Reduce how often interested parties need to sit through lengthy discussions on topics that they are not interested in before their agenda item comes up.
- Ensure that most Planning Board meetings can be completed within two hours.

The Planning Board's Rules of Procedure need to be updated to reflect these changes. Nancy Wendt will circulate a draft of the proposed revisions for all Planning Board members to review prior to submission to the Town Council for confirmation.

**2. Code Enforcement Items:**

None

**3. Chairperson Items:**

None

**4. Planning Board Member Items:**

Mike Florez reported that he attended DENR's presentation on the Beach and Inlet Management Plan (BIMP). The discussion focused on funding and on the current draft of policy statements. A noteworthy observation from DENR was that NC has spent \$70 million on beach management and the state really needs to spend at least \$90 million to get the job done. Mike feels this is an important item for the town to be aware of. For more information Mike recommends checking their website at [www.ncbimp.net](http://www.ncbimp.net).

**X. ANNOUNCEMENTS:**

The Planning Board meeting schedule for the month of April is as follows:

Monday, April 6, 2009 at 7pm at the Pitts Center  
Agenda: Public Workshop on Transportation

Monday, April 6, 2009 at 9pm at the Pitts Center  
Agenda: Status Review of PAG Committees and Projects

Monday, April 20, 2009 at 7pm at the Pitts Center  
Agenda: Permit Applications and Proposed Ordinances

**XI. ADJOURNMENT:**

Mike Florez motioned to adjourn and Jay Russell seconded. Motion passed unanimously. The Planning Board meeting adjourned at 8:25 pm.

The PAG meeting to review the status of committee and project activities reconvened at 8:30pm. For details see the Recap for the March 16, 2009 PAG Meeting.

## Exhibit H

Planning Advisory Group (PAG)

**To: Southern Shores Town Council**

**Copies: Town Manager (Charlie Read)**

**Town Staff (Pat Forrester, Carrie Gordon, Alvin Rountree, Merrie Smith, Bonnie Swain)**

**Planning Board (Mike Florez, Bill Gleason, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)**

**From: Nancy Wendt, Planning Board Chair**

**Date: March 23, 2009**

**Re: Recap, Planning Board Planning Advisory Group Meeting of March 16, 2009**

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**CALL TO ORDER:** Chairperson Wendt called the meeting to order at 8:35pm. Planning Board Members Nancy Wendt, Jay Russell, Mike Florez, Bob Palombo and Sam Williams, alternate member Bill Gleason, ETJ Representative Ed Overton and Wireless Committee Chair Larry Lawhon were present.

### **CAPITAL IMPROVEMENT PLAN & CAPITAL BUDGET (B. Gleason)**

Capital Improvement Plan (CIP): Bill Gleason reported that the bids for the full-depth rebuild and repaving of Hickory Trail was received on March 3, 2009. The Town Council was pleased that the bids came in significantly below the earlier CIP estimates. Work will begin shortly on Hickory Trail. Since the Hickory Trail project resulted in considerable cost savings, Mayor Don Smith would like the Town Council to consider additional road improvements this fiscal year. As part of the transportation public workshop to be held on April 6, Joe Anlauf from Quible & Assoc. will present the results of the engineering analysis for Poteskeet Trail, Poteskeet Loop, Gray Squirrel and Chicahawk Trail (from the cul-de-sac to Trinitie). In addition, recent information regarding the replacement of the Tall Pine Bridge will be discussed at the public workshop. Capital projects for FY 2010 have yet to be determined by the Town Council.

### **CAMA LAND USE PLAN (LUP) UPDATE (S. Williams)**

The CAMA Land Use Plan (LUP) update efforts continue to focus on: 1) preparation and review of responses to the State's comments on the August 2008 draft LUP and 2) preparation for review/revision of the vision statement, and the policies and actions.

The next draft of the LUP is expected to be completed in mid-April. The LUP Steering Committee, Planning Board, Town Council and the public will have about a month to review and approve this LUP draft before it is sent to the State for its next review. A workshop to give an overview of the revised draft LUP and an opportunity to provide initial comments on the draft LUP has been scheduled near the beginning of the review process. The workshop has been scheduled for April 21, 2009, from 1:00 until 4:00.

### **LR COMPREHENSIVE PLANNING PROJECT (M. Florez)**

The draft summary of land use vision statements from the existing Land Use Plan, the 2005 Long Range Plan and others is complete and available for any comment.

Creation of a "Criteria for Consistency" tool for reviewing Planning Board recommendations and Town Council decisions that affect land use and zoning has begun. A draft version is ready for review and comment.

Work on the other key deliverable, a "Model" LR Plan template and guidelines will begin later this month.

#### **TRANSPORTATION PLANNING PROJECT**

P.A.G. Transportation Project team members continue to work on developing a series of comprehensive steps to address transportation issues in Southern Shores. These issues, which include road maintenance and improvement, traffic calming, storm water issues, and multi-use paths and sidewalks, are being examined in the framework of a road classification strategy which will allow a comprehensive approach to maintaining and improving transportation in Southern Shores.

In an effort to reflect the wishes of all Southern Shores residents and property owners, the project team will conduct an educational workshop on April 6, 2009 from 7 p.m. until 9 p.m. to review transportation issue strategies for our town. The purpose of this workshop will be to provide the public with the most appropriate information regarding factors that need to be considered when making transportation decisions. Ample opportunities will be provided for questions and answers and, using the input given by Southern Shores residents and property owners at this meeting, the project work will continue.

The Transportation Project is still on target for presenting its findings to the Council no later than June 2009. Based upon Council's acceptance/rejection of the approaches recommended, additional projects can move forward on specific transportation issues. The original Transportation Project will conclude its work once the Council has been presented with the June report.

#### **WIRELESS ADVISORY COMMITTEE (L. Lawhon)**

Wireless Advisory Committee met February 25 with minimal turnout, assignments were made.

AT&T responded to their tour and decided that Hillcrest site was not first choice. Better alternative for them would be soccer field property or Chicahauk site at the end of Porpoise. Verizon has not chosen a date to revisit and U.S. Cellular has not responded. Sprint confirmed that they are planning to attend workshop on May 4<sup>th</sup>.

#### **STORMWATER MANAGEMENT ADVISORY COMMITTEE (J. Russell)**

No activity

#### **HAZARD MITIGATION COMMITTEE (A. Rountree)**

No activity

#### Exhibit I

**To: Southern Shores Town Council**

**FINAL**

**Copies: Town Staff (Charlie Read, Merrie Smith and Carrie Gordin)**

**Planning Board (Mike Florez, Bill Gleason, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)**

**From:** Nancy Wendt, Planning Board Chair

**Date:** March 27, 2009

**Re:** Planning Board Appointments

On February 12<sup>th</sup> I notified you that Dave Peckens resigned from the Planning Board and requested that you appoint a new 2<sup>nd</sup> alternate to complete the unexpired portion of his term.

At that time I also sent you a DRAFT brochure describing the **current succession process** with a recommendation to **add one step** to the process (i.e., to have two seated members of the Planning Board meet with each qualified applicant prior to their appointment to ensure that every applicant has an accurate understanding of what is expected of them prior to appointment.)

Per your request, a discussion of the brochure and the proposed additional step in the process has been placed on the Agenda for the joint Town Council-Planning Board meeting scheduled for June 1. In the meantime, it is necessary to move forward with Planning Board appointments and re-appointments following the existing process.

Accordingly, Carrie Gordin (Town Clerk) placed a Planning Board appointments item on the agenda for the April 7 Town Council meeting. With one vacancy and three terms expiring in June, The Planning Board needs the Town Council to take the following actions on April 7 to ensure continuity on the board.

1. Appoint a new 2<sup>nd</sup> Alternate Member to complete the unexpired portion of the term vacated by Dave Peckens resignation. This Interim Term appointment will run from April 20, 2009 to June 30, 2011.
  - Carrie Gordin has one qualified Planning Board application on file. This application was received on September 3, 2008 from Larry Lawhon. Mr. Lawhon meets the qualifications stipulated in the Southern Shores Town Ordinance and he is both willing and able to serve.
  - Mr. Lawhon has been attending Planning Board meetings regularly for the past year. In his role as Chair of the Wireless Committee he also works with the Planning Advisory Group.
  - Consistent with the existing process please act on this application at your April 7 meeting so that the Planning Board will have its full complement of 7 members (5 seated and 2 alternates) in place for its April meetings.
2. Re-appoint Sam Williams' for a full 3 year term to run from July 1, 2009 to June 30, 2012.
3. Re-appoint Bill Gleason's for a full 3 year term to run from July 1, 2009 to June 30, 2012.
4. Re-appoint Mike Florez for a full 3 year term to run from July 1, 2009 to June 30, 2012.

Mr. Williams, Mr. Gleason and Mr. Florez have each confirmed their desire to be re-appointed.

ETJ Re-appointment - Merrie Smith (Planning Board Administrative Assistant) has requested that Dare County (Bobby Outten) re-appoint Ed Overton to a "one time" 4 year term after which the ETJ term will revert back to 3 years. Mr. Overton has confirmed his desire to be re-appointed and his willingness to serve a "one time" 4 year term to adjust the cycle of the ETJ term so that no more than 3 of the 8 terms on the Southern Shores Planning expire in any given year.

If you would like to see how these appointments fit into the term rotation cycle stipulated in the Town Code, see the attached background information

#### Exhibit J

#### **2008-2009 Government Access Channels Proposed Budget Amendment**

##### **Revenues:**

Member Fees \$8,000.00

Appropriated from Fund Balance \$10,000.00

Grant Funds from e-NC \$10,000.00

Appropriated from State Funds \$40,700.00

**Total Revenues: \$68,700.00**

**Expenditures****Description Quantity Total Price**

Grant Match 1 \$10,000.00  
External Hard Drive for Editing Computer 1 \$300.00  
Employee (17.5 Hours Per Week) 1 \$8,000.00  
Media Star System 1 \$38,000.00  
Grant Funds from e-NC \$10,000.00  
Leases \$900.00  
Misc/Supplies \$1,500.00  
**Total \$68,700.00**

**2009-2010 Government Access Channels Proposed Budget****Revenues:**

Member Fees \$8,000.00  
Appropriated from State Funds \$9,400.00  
Grant Funds from e-NC \$10,000.00  
Appropriated from Fund Balance \$10,000.00

**Total Revenues: \$37,400.00**

**Expenditures****Description Quantity Total Price**

Grant Match 1 \$10,000.00  
Employee (17.5 Hours Per Week) 1 \$15,000.00  
Grant Funds from e-NC \$10,000.00  
Leases \$900.00  
Misc/Supplies \$1,500.00  
**Total \$37,400.00**

2009-04-01

**Dare County, NC  
Child Abuse Prevention Month 2009  
Proclamation**

**W**hereas, preventing child abuse and neglect is a community problem affecting both the current and future quality of life of a community;

**W**hereas, child maltreatment occurs when people find themselves in stressful situations, without community resources, and do not know how to cope;

**W**hereas, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community.


**W**hereas, child abuse and neglect can be prevented by making sure each family has the support they need to raise their children in a healthy environment;

**W**hereas, all citizens should become involved in supporting families to provide safe, nurturing environments for their children giving them the opportunity to grow up to be caring, contributing members of our community;

**W**hereas, effective child abuse prevention programs succeed because of partnerships created among social services agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;

**W**e, the Town of Southern Shores do hereby proclaim April as Child Abuse Prevention Month and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

This 7<sup>th</sup> day of April 2009

  
Don Smith, Mayor  
Town of Southern Shores

